



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jan Witold Baran, Esq.
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006

NOV 26 2008

RE: MUR 5541
The November Fund and
Bill Sittmann, in his official capacity
as treasurer

Dear Mr. Baran:

On March 14, 2005, you were notified that the Federal Election Commission found reason to believe that your clients, The November Fund and Bill Sittmann, in his official capacity as treasurer violated 2 U.S.C. §§ 433, 434, 441a(f) and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

On November 29, 2007, you were notified that the Commission authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On October 21, 2008, the Commission considered the circumstances in this matter, but was equally divided on whether to accept the agreement. The Commission was also equally divided on whether to take no further action in this matter. The Commission then closed the file.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). In addition, a Statement of Reasons further explaining the basis for the Commission's decision will follow.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Shonkwiler", followed by a horizontal line.

Mark Shonkwiler
Assistant General Counsel

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